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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,668	06/14/2007	Werner Bacher	095309.58176US	1714

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EXAMINER	
WILHELM, TIMOTHY	
ART UNIT	PAPER NUMBER
3616	
MAIL DATE	DELIVERY MODE
04/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/591,668	BACHER ET AL.	
	Examiner	Art Unit	
	Timothy D. Wilhelm	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/1/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-13,16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokota et al (US 2002/0188393), hereafter referred to as Yokota. Yokota discloses a vehicle collision damage reduction system comprising means for detecting an impending collision with the vehicle 10R,10L; means for determining a collision danger level 12; a motor 30 for repositioning the steering wheel so as to increase the distance between an occupant and the steering wheel 33 during a collision and thus reduce the danger to the occupant; wherein the repositioning of the steering wheel 33 is adjustable in stages in response to the collision danger level; the system further comprises an occupant seating information detecting means 80 for detecting a physique and a seating state of an occupant before a collision, wherein the vehicle seat comprises plural driving portions that make up a seat adjusting mechanism 50, and wherein the occupant seating information detecting means 80 comprises various sensors such as a seat-sliding sensor 82, a reclining angle sensor 83, and a seat-face inclination detecting sensor 84 and detecting signals from these sensors are processed by an ECU to establish a position of the seat 4. Yokota goes on to disclose that "preferably, a vehicle collision damage reduction system further comprises occupant

seating information detecting means for detecting physique and a seating state of an occupant seated in a seat so as to output seating state information to the controlling means, wherein the operational amount of the collision energy absorbing means for a vehicle occupant is established, before a collision, on the basis of the seating state information obtained by the occupant seating information detecting means." Thus, Yokota discloses repositioning the steering wheel of the vehicle with respect to information obtained regarding the current position of the seat. With regard to claim 17, the evaluated driver activities include adjustment of the vehicle seat.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 14 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota in view of Mori et al (6,959,944), hereafter referred to as Mori. Yokota discloses the present invention except for the repositioning of the steering wheel including adjusting the angle of the steering shaft as well as the system returning the steering wheel to its original position when the system detects that a collision has been avoided. Mori teaches a steering wheel device for a motor vehicle comprising steering wheel 21, a steering shaft 28, a collision detection mechanism, and a displacement mechanism 30 that adjust the angle of the steering wheel with respect to an occupant of the vehicle to allow for an airbag contained within the steering wheel to deploy at the most optimum

position for safeguarding the occupant during a collision, wherein the displacement mechanism 30 returns the steering wheel 21 to its original position when the collision detecting mechanism detects that a collision has been avoided. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the safety system of Yokota with the teaching of Mori's angular displacement mechanism and teaching of returning the steering wheel to its original position when a collision has been avoided to better position an airbag contained within the steering wheel in a more optimal position pre-deployment to better protect an occupant during a collision and to ensure that the vehicle is capable of being driven should a collision not occur.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota in view of Omura (5,398,185), hereafter referred to as Omura. Yokota discloses the present invention except for a knee protection device. Omura teaches an occupant protection system for a motor vehicle comprising a multitude of protection devices including a seat position adjustment mechanism and sensor system for detecting the position of the vehicle seat 3 and a knee bolster 7 that protects the knees of an occupant during a collision. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the protection system of Yokota with the teaching Omura to include a knee bolster in the system of protection devices to better ensure maximum protection for the occupant against damage incurred during a frontal collision.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3616

Timothy D Wilhelm
Examiner
Art Unit 3616

/Timothy D Wilhelm/
March 27, 2009